

HONORABLE RONALD B. LEIGHTON

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

ERIC MICHAEL MILTON,

Petitioner,

v.

UNITED STATES OF AMERICA,

Respondent.

Case No. C05-5756 RBL

Case No. CR04-5265 RBL

ORDER

THIS MATTER comes on before the above-entitled Court upon Petitioner's Notice of Appeal [C05-5756RBL, Dkt. #6].


Having considered the entirety of the records and file herein, the Court rules as follows:

Eric Michael Milton has filed a Notice of Appeal of this Court's Order [C05-5756RBL, Dkt. #3] which denied his motion under 28 U.S.C. § 2255. In order for the appeal to proceed this Court must first determine whether to issue a Certificate of Appealability. 28 U.S.C. § 2253. For the reasons stated in this Court's Order [C05-5756 RBL, Dkt. #3] the Court declines to issue a Certificate of Appealability because the petitioner has failed to make "a substantial showing of the denial of a constitutional right." 28 U.S.C. § 2253(c)(2).

IT IS SO ORDERED.

1 The Clerk shall send uncertified copies of this order to all counsel of record, and to any party appearing
2 pro se.

3 Dated this 31st day of January, 2006.

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5 RONALD B. LEIGHTON
6 UNITED STATES DISTRICT JUDGE
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